

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Roanoke Division**

THOMAS A. ROSE,

Plaintiff,

v.

Case No. 7:20cv609

OFFICER ADAMS, *et al.*,

Defendants.

**AFFIDAVIT**


State of Virginia, County of Grayson, to-wit:

K. KING, first being duly sworn, states as follows:

1. I am a Lieutenant and the Institutional Investigator at River North Correctional Center (RNCC).
2. I base the information contained in this Affidavit on personal knowledge and records maintained in the regular and ordinary course of business.
3. I have been informed of this lawsuit filed by inmate Thomas Rose (#1434775) alleging that officers used excessive force against him in a discriminatory manner when they responded to an altercation between himself and inmate L. Dodson on August 7, 2020.

4. Enclosed under separate cover as Enclosures A and B are videos of the altercation between inmates Rose and Dodson on August 7, 2020. Attached as Enclosure C is a copy of the Incident Report.

K. KING

  
\_\_\_\_\_  
Affiant

Sworn and subscribed to before me, a Notary Public, in and for the County of Grayson, on this 30<sup>th</sup> day of April 2021.

  
\_\_\_\_\_  
Notary Public

My commission expires:

2-29-2024



## ENCLOSURE A

Re: Thomas A. Rose v. Officer Adams, et al.

Civil Action No. 7:20cv609

Rapid Eye Video of August 7, 2020<sup>1</sup>

(03288516.REM: C2 Pod Rear Right, C2 Pod Front Middle, C2 Pod Front Right)

(See K. King Affidavit, paragraph 4)

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<sup>1</sup> The rapid-eye video is being provided to the Court under separate cover.

## ENCLOSURE B

Re: Thomas A. Rose v. Officer Adams, et al.

Civil Action No. 7:20cv609

Rapid Eye Video of August 7, 2020<sup>1</sup>

(03288492:REM: C2 Pod Rear Left; C2 Pod Center PTZ)

(See K. King Affidavit, paragraph 4)

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<sup>1</sup> The rapid-eye video is being provided to the Court under separate cover.



VIRGINIA DEPARTMENT OF CORRECTIONS

**Incident Report**

038.1 A-2

DOC Location: RNCC River North Correctional Center

Report generated by Greer, D M

Report run on 02/04/2021 at 01:36 PM

<b>Incident Number:</b>	<b>Date/Time of Incident:</b>		<b>DOC Location:</b>	
RNCC-2020-00114	August 07, 2020 @ 01:30 PM		River North Correctional Center	
<b>Offenders Involved:</b>	<b>1394201</b>	<b>Dodson, Larry W</b>		<b>C-2-213-B</b>
	<b>1434775</b>	<b>Rose, Thomas A</b>		<b>C-2-223-B</b>
<b>Staff Involved:</b>	<b>Adams, Jordan</b>		<b>Corrections Officer</b>	
	<b>Boyington, Jared</b>		<b>Officer</b>	
	<b>Burnette, Charles T</b>			
	<b>Evans, Larry D</b>		<b>Sgt</b>	
	<b>Haga, Austin</b>		<b>Corrections Officer</b>	
	<b>Paisley, Ethan R</b>			
	<b>Robinson, Joshua</b>		<b>Patrol Canine Sergeant</b>	
	<b>Taylor, Davy L</b>		<b>Officer</b>	
	<b>Thompson, Becky A</b>			
	<b>Waller, Kaci A</b>			
<b>Visitors Involved:</b>			<b>Others Involved:</b>	
<b>Type of Incident:</b>	Discharge of a less lethal weapon		<b>Reference attached IIRs:</b>	IIR-RNCC-2020-001141
	Use of force; including physical force, electronic devices, chemical agents, canines (Institutions)			IIR-RNCC-2020-001142
				IIR-RNCC-2020-001143
				IIR-RNCC-2020-001144
				IIR-RNCC-2020-001145
				IIR-RNCC-2020-001146
				IIR-RNCC-2020-001147
				IIR-RNCC-2020-001148
				IIR-RNCC-2020-001149
<b>Use of Force:</b>	Chemical Agents		<b>Date Applied:</b>	<b>Date Out:</b>
	Use of Canines			
<b>Use of Restraints:</b>				
<b>Location of Incident:</b>	GP Dayroom - C-2			
<b>Weapon Used:</b>	No	<b>Type of Weapon:</b>		
<b>Gang Related:</b>	No	<b>PREA:</b>	No	<b>Videotaped:</b> RNCC_080720_1394201_1 RNCC_080720_1394201_2
<b>Description of Incident:</b>				
Synopsis: On August 7, 2020 at approximately 1:30 PM, offenders L. Dodson 1394201 and T. Rose #1434775 became engaged in a physical altercation in the dayroom of C2. One OC round from the 40mm Single Launcher, four bursts of				

**ENCLOSURE C**

OC from a MK-4 and canine engagement were utilized to quell the altercation. Offender Dodson received treatment for minor injuries, including a human bite. Offender Rose received treatment for moderate injuries including a canine bite. No injuries to staff.

Narrative: On August 7, 2020 at approximately 1:30 PM, C building gun post Officer J. Adams observed offender L. Dodson 1394201 throw a trash can at offender T. Rose 1434775 in the dayroom of C2. Both offenders then engaged in a physical altercation. Officer Adams activated the audible alarm and issued a verbal warning for the offenders to stop fighting. When neither offender complied, Officer Adams fired one Oleoresin Capsicum (OC) round from the 40mm Single Launcher, hitting offender Rose.

At this time, Officer E. Paisley entered C2 and instructed the offenders to stop fighting, they continued to fight. Officer Paisley then administered two (2) ½ - 1 second bursts of O/C from his MK-4, failing to hit the target area of either offender. A third ½ - 1 second burst of OC hit offender Rose in the target area and a fourth ½ - 1 second burst of OC hit offender Dodson in the target area. Both offenders continued to fight.

At this time, K-9 Sergeant J. Robinson entered C2 with his assigned canine Tom 888-02-0414, issuing verbal commands to both offenders to stop fighting. When the offenders failed to comply, canine Tom engaged on offender Rose, biting him in the lower right leg. At this time, both offenders ceased fighting.

Offender Dodson was restrained and escorted to medical by Sergeant L. Evans and Sergeant C. Burnette. Open air decontamination began when the offender was removed from the area. Once in medical, offender Dodson was treated for minor injuries including a human bite on his left bicep. After being treated, offender Dodson was then escorted to A2 Restrictive Housing Unit and further decontamination was offered but offender Dodson refused.

Offender Rose was restrained and escorted to medical by Officer J. Boyington and Officer A. Haga. Open air decontamination began when the offender was removed from the area. Once in medical, offender Rose was treated for moderate injuries including a canine bite to his lower right leg. After being treated, offender Rose was returned to C Building and offered further decontamination but he refused.

All notifications made. No injuries to staff reported.

#### Addendums:

Start Date & Time:

Comments:

#### Notifications:

Name:	Title:	Date/Time Notified:
Dowell, Thresea L	UM/ADO	August 07, 2020 @ 01:30 PM
Kanode, Barry L	Warden	August 07, 2020 @ 02:00 PM
Darden, Timothy O	Lt./OLU	August 07, 2020 @ 02:20 PM
Sharpe, Howard D	Major	August 07, 2020 @ 02:30 PM
<b>Reporting Staff:</b>	Lowe, Dawn M	<b>Title/Shift:</b> Lieutenant, B Break, Day
<b>Date Reported:</b>	08/07/2020	<b>Time:</b> 04:29 PM
<b>Approved By:</b>	Sharpe, Howard D	<b>Title:</b> COS
<b>Action Taken:</b>	Approved	<b>Review Date:</b> 08/10/2020